

STATEMENT OF PRESIDENT MARK R. CHINO
TO THE NEW MEXICO LEGISLATURE
INTERIM INDIAN AFFAIRS COMMITTEE

Truth or Consequences, NM
August 17, 2011

Thank you for allowing me to address the New Mexico Indian Affairs Committee. The New Mexico Indian Affairs Committee is in part responsible for the State of New Mexico's relations with New Mexico Indians. You have heard from two groups today. One is New Mexican but not Indian and the other is Indian but not New Mexican. Neither should be recognized.

The group that calls themselves "Chihene" are not Indians in any way. While they may or may not have some distant genetic connection to our ancestors (which we doubt), the group is not "Indian" as we use the term. They do not have a continual, communal existence. Their parents did not live as Indians. Their grandparents did not live as Indians. Their great-grandparents did not live as Indian. It is doubtful that even their great-great-grandparents lived as Indians. If there is any Apache blood in their background, those Apache ancestors made a conscious decision to abandon the Apache way of life at least a century and a half ago. Being Apache means more than just having some remote genetic tie.

The Mescalero Apache Tribe represents the Chiricahua, Lipan and Mescalero Apache. The Chiricahua include the Warm Springs Apache (known as the "Chihenne" and other names). Descendents of the Warm Springs are also represented by the San Carlos Apache Tribe and Fort Sill.

The area that included Fort Tularosa (near Aragon, NM) and an area that would have been the "Warm Springs Reservation" was adjudicated as being part of the aboriginal homelands of the Mescalero Apache Tribe by the Indian Claims Commission, this area includes Warm Springs. The Ojo Caliente/Warm Springs area, especially Canada Alamosa and Red Paint Canyon, is very important to the Mescalero Apache Tribe. The Mescalero Apache Tribe has maintained its connection to the area over the last 150 years. The group that spoke this morning has developed this connection within the past few years.

The connection to the area has continued to the present day, the Mescalero Apache Tribe routinely visits the area for religious purposes and advocated for conservation of the area

The Mescalero Apache Tribe has long-standing relationship with current land owners in the area. We recently learned that this relationship may have been jeopardized by due to a physical altercation that occurred at an event sponsored by the group that spoke this morning

It is clear that the group that spoke earlier hopes to gain NM's support in its bid for federal recognition. What does the group hope to accomplish with federal recognition? That is for them to say, but I have my suspicions. Their interest in recognition came along only after Indian gaming arrived on the scene. My suspicion is that this group is seeking recognition from the State of New Mexico as a first step in its bid to open a casino.

The group would not meet the rigid requirements to meet the Federal recognition criteria.

The federal process recognizes that the rights of tribes are important and special, that tribes are sovereign entities that predate the United States, and that there have to be strict guidelines to prevent disingenuous groups from enjoying the privileges of tribes, especially since the development of Indian gaming. The group that spoke this morning is trying to jumpstart the process by obtaining state recognition.

They are doing this because they recognize that they cannot meet some of the most important recognition criteria: long standing self-governance, autonomy, and cultural identity

In letters to us, the group admits that it has not existed as a separate political entity. They say they are "working to reunite [their] people by the establishment of a tribal government," federal recognition bars groups that "formed in recent times"

For federal recognition, the group must prove autonomy and that they "functioned as an autonomous tribal entity" versus as "splinter group" or "groups that separate from main body of currently recognized group"—they cannot meet this requirement of autonomy. \

They admit that they lost any kind of cultural identity, they admit that they "operate more as a business chamber of commerce and or group with more emphasis on only the Christian faith and are opposed to the practice of traditional ceremony"

Even if they could prove lineal descent from Nana or Mangas Coloradas or others, as stated previously, the Warm Springs Apache are represented by existing federally recognized tribes. They do not have the right to form a new tribe just because they cannot meet the membership requirements of federally recognized tribes.

While the group that spoke this morning are not Indians, the Fort Sill Apaches – while certainly Indians – are not New Mexicans.

The members of Ft. Sill have not demonstrated even the slightest inclination towards settling on their trust land at Akela flats. Not one tribal member has made Akela their home. The ancestors of the Ft. Sill Apaches made the conscious decision to stay in Oklahoma when given the opportunity to move to Mescalero in 1913. Their descendants have reaffirmed this decision by continuing to live in Oklahoma. Their cousins in Mescalero respect this decision, but because of this decision object to the efforts to be recognized as a New Mexico tribe.

While the members of the Ft. Sill Tribe do not wish to settle on their lands at Akela, they seem bound and determined to open a casino there. Like the Red Paint group, the Ft. Sill bid seems to be all about gaming. Fort Sill has employed numerous tactics to achieve this goal. First, to get the land into trust in the first place, Ft. Sill promised not to open a casino on the site, only to secretly set up slot machines before getting federal approval. Ft. Sill invoked the ire of the State of Mexico and forced the then-Governor of New Mexico to call out the State Police. Mescalero is opposed to this for several reasons. First and foremost, allowing non-New Mexico Indians to open casinos in New Mexico would disturb the delicate balance of that the New Mexico Indian Tribes have been able to strike with the State of New Mexico. Allowing outside tribes to game here would be very disruptive to the hard-negotiated agreements that the New Mexico Tribes have reached with the state.

Additionally, Mescalero's primary market is the Las Cruces/El Paso area. Allowing recognition as a first step towards gaming would hurt Mescalero and the huge investment that Mescalero has made in its gaming operations.

Not only does Mescalero object to the motives of Ft. Sill, Mescalero also disputes some of the facts that Ft. Sill has been using to achieve their goals. For example, House Memorial 24 is inaccurate. It claims that Fort Sill represents the descendants of Cochise and Geronimo while these descendants actually live in Mescalero. Ft. Sill suggests that most Chiricahua stayed in Oklahoma. Once again, this is not true—most of the band returned to Mescalero